

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Xunming Deng et al.

GAU: 1795; Conf. No.: 7826

Serial No.: 10/696,545

Examiner: Jeffrey Thomas Barton

Filed: October 29, 2003

Docket No.: 1-25574/PHYS-00402

For: Hybrid Window Layer for Photovoltaic Cells

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE LETTER accompanying**  
**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§1.97 and 1.98**

Sir:

Applicants hereby submit an Information Disclosure Statement along with accompanying form PTO/SB/08a. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-198, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form PTO/SB/08a in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. X 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

\_\_\_\_\_ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under § 1.53(d);

- OR -

\_\_\_\_\_ (2) It is being filed within 3 months of entry of the national stage as set forth in § 1.491 in an international application;

- OR -

\_\_\_\_\_ (3) It is being filed before the mailing of a first Office action on the merits;

- OR -

\_\_\_\_\_ X (4) It is being filed before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under § 1.114.

B. \_\_\_\_\_ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, **it is filed before** the mailing date of the earlier of: (1) a Final Office action under §1.113, (2) a Notice of Allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

\_\_\_\_\_ (1) a Statement as specified in §1.97(e) provided concurrently herewith;

- OR -

(2) a Fee of \$180.00 as set forth in §1.17(p) which is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

C.        37 CFR §1.97(d). Although this Information Disclosure Statement is **being filed after** the mailing date of the earlier of: (1) a Final Office action under §1.113, or (2) a Notice of Allowance under §1.3111, it is being filed **before payment of the issue fee** and should be considered because it is accompanied by:

i) a Statement as specified in §1.97(e);

-AND -

ii) a Fee of \$180.00, as set forth in §1.17(p), which is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. X 37 CFR §1.97(e). The following Statements being provided herewith:

       (1) Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement;

- AND/OR -

X (2) No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

- AND/OR -

       (3) A Copy of a dated communication on                  from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. §1.97(e)(1) as provided for under MPEP 609.04(b) V.

E.        Statement Under 37 C.F.R. §1.704(d).

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than **thirty (30) days** prior to the filing of this information disclosure statement.

This statement is made pursuant to the requirements of 37 C.P.R. §1.704(d) **to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.**

F. X 37 CFR §1.98(a)(1)(2). The content of the Information Disclosure Statement (attached Form PTO/SB/08a) is as follows:

X (1) All patents, publications, applications, or other information submitted and/or disclosed for consideration by the Patent Office **are listed** on the attached Form PTO/SB/08a.

- AND/OR -

X (2) Copies of U.S. Patent Documents (issued patent and patent publications) listed on the attached Form PTO/SB/08a are **not enclosed**, in accordance with 37 CFR §1.98(a)(1).

- AND/OR -

X (3) Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08a **are enclosed** herewith in accordance with 37 CFR §1.98(a)(2)(i) and (ii).

- AND/OR -

(4) Copies of pending unpublished U.S. patent applications listed on the attached Form PTO/SB/08a **are enclosed** herewith in accordance with 37 CFR §1.98(a)(2)(iii), *unless not available to Applicant(s)*.

- AND/OR -

(5) Copies of other information listed on the attached Form PTO/SB/08a **are enclosed** herewith in accordance with 37 CFR §1.98(a)(2)(iv), *unless otherwise unavailable to Applicant(s)..*

G.  37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

(1) Pursuant to 37 CFR § 1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

(a) Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

- OR -

(b) A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

(2) Pursuant to 37 CFR" §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H.  37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are **not provided** herewith because:

(1) Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. §120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on \_\_\_\_\_

- AND -

(2) The Information Disclosure Statement submitted in the earlier application complied with paragraphs (a) through (e) of 37 CFR §1.98.

I. X *Fee Authorization.* The Commissioner is hereby authorized:

i) to charge the above-referenced fees of \$ \_\_\_\_\_ ;

- AND -

ii) to charge any additional fees and/or to credit any overpayment associated with this communication to Deposit Account 13-0005.

Respectfully submitted,

Catherine B. Martineau

Reg. No. 31,854

October 15, 2009

Date

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